

REMARKS

This Amendment is submitted in response to the Final Office Action dated June 2, 2003, having a shortened statutory period set to expire September 2, 2003. Claims 1-9 and 11-39 are pending. Applicants have amended Claims 1, 14, and 27, and canceled Claims 40-66. No new matter has been entered by these amendments.

Amendments to the Claims

No new matter has been added by the present amendments. Claims 1, 14, and 27 have been amended to combine their third and fifth elements, respectively, for purposes of clarity. Claims 40-66 have been canceled. Applicants believe that entering these amendments is proper, as it places the application in condition for allowance or, alternatively, reduces issues on appeal.

Claim Rejections -- 35 U.S.C. § 103

In paragraph 4 of the present Office Action, Claims 1-4, 10-12, 14-17, 23-25, 27-30, 36-38, 40-68 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Raymond et al* (US Patent No. 5,778,882) ("*Raymond*") in view of *Trudeau et al*, (US Patent No. 5,980,447). This rejection is respectfully traversed and reconsideration of the claims is requested.

With reference to exemplary Claim 1, Applicants respectfully submit that *Raymond* in view of *Trudeau* does not show or suggest the step in Claim 1 of:

prioritizing each of said plurality of actions according to said current health parameters and designated allowances for said particular user at said personal health monitoring system and at a priority level at which sufficient allowances are available for each of said plurality of actions in view of said designated allowances, wherein said designated allowances includes at least one type of allowance from among time allowances, financial allowances, and health allowances; and

On page 3 of the present Office Action, the Examiner cited a number sections from both *Trudeau* and *Raymond* as suggesting this element, namely: *Trudeau*: Figure 1, items 10, 12; Figure 2, item 22; Figure 3, item 37; column 5, lines 13-26; column 6, lines 50-64; column 9, lines 5-15; column 9, line 66 to column 10, line 35; column 10, line 50-61; column 16, line 64 to column 17, line 5; and *Raymond*: column 25, lines 35-46. At the cited section of column 5,

Trudeau teaches a computer system for evaluating a level of stress of an individual, and providing a strategy of action to alleviate the stress based on the evaluation. At column 10, *Trudeau* teaches that its system recommends remedial actions and direction to tools, and ranks the tools in a progression of stress reducing actions. It can be seen that *Trudeau* is teaching a system of ranking available stress reducing actions and tools. While the ranking of these actions and tools is clearly driven by the level of distress in the patient, nothing within those and the above-cited sections of the references suggest that such ranking or prioritization of actions and tools occurs as a function of "*designated allowances for said particular user*," as is recited in Claim 1.

At the bottom of page 7 and top of page 8 of the present Office Action, it is argued that *Trudeau*'s teaching at column 4, lines 40-44 of "user defined profiles" are defined through "test results and the incorporation of options and selections into the system" and that *Trudeau* teaches an "Expert System Adaptive to User Profile and Choices" and that the system assists the user including "massive amounts of specific, targeted, and productive information which is custom configured for the individual profile." Through this and the teaching of establishing menu traces for the user to establish and respond to the user profile, the Examiner argues that ranking or prioritization of actions is shown to be a function of "*designated allowances for said particular user*."

Applicants respectfully submit that *Trudeau*'s teaching the use of a user profile does not show or suggest to someone of ordinary skill in the art that "allowances" for the user are somehow incorporated into the profile, or as required in the steps of Claim 1, that any "allowances" for the user are utilized in prioritizing the list of actions. "Allowance" is defined by Funk & Wagnalls New International Dictionary of the English Language, Comprehensive Edition, J.G. Ferguson Publishing Company, 1987, as:

1. In allowing or being allowed. 2. That which is allowed. 3. A limited amount of portion as of an income or food, granted at regular intervals. 4. A sum or item put to one's credit in a transaction, as in consideration of exchange of the used article or a purchase in volume; discount ... 5. A difference permitted in access or abatement, as of a specification

As can be seen from its ordinary definition in the English language, allowances specify an amount or portion or sum or credit or difference permitted in access or abatement, i.e., that

which is allowed. While the Examiner has cited numerous sections of *Trudeau* on pages 7 and 8 of the present Office Action, the Examiner has failed to cite a single word from the *Trudeau* patent that is synonymous with or has an ordinary meaning equivalent to the word "allowances."

Still further, nothing in the cited sections of *Trudeau* shows or suggests that "*sufficient allowances are available for each of said plurality of actions*" in determining a prioritization of the actions. Moreover, such "allowances" are specifically narrowed within exemplary Claim 1 to only those including one of "time allowances, financial allowances, and health allowances."

On pages 4 and 8 of the present Office Action, the Examiner has contended that *Trudeau* teaches prioritizing the actions based on sufficient allowances being available from among time allowances, financial allowances, and health allowances at column 5, lines 13-55, column 6, lines 55-64, column 11, lines 47-63 and column 12, lines 4-46.

At the cited section of column 5, *Trudeau* teaches a computer system for evaluating a level of stress of an individual, and providing a strategy of action to alleviate the stress based on the evaluation. At the cited section of column 6, *Trudeau* teaches that the user can selectively interact with recovery tools, but it does not describe prioritizing the actions "*at a priority level at which sufficient allowances are available*" as is required by Claim 1. At the cited section of column 11, *Trudeau* teaches that its inference machine performs a cognitive profile of the individual based on a variety of unique factors for the individual. While the cognitive profile for the individual is used to determine the ranking of actions and tools, nothing in the reference suggests that such ranking is determined based on "*sufficient allowances are available for each of said plurality of actions in view of said designated allowances*" for said individual as is recited in Claim 1.

Nowhere within the cited sections of *Trudeau* is it suggested that a user profile contains such allowances for the user, or that *Trudeau* has any means for taking into account such allowances, or the sufficiency thereof, in prioritizing the list of actions. Consequently, for the reasons given above, Applicants respectfully submit that *Raymond* in view of *Trudeau* does not show or suggest prioritizing actions based on "*designated allowances for said particular user*" and "*at a priority level at which sufficient allowances are available for each of said plurality of*

actions in view of said designated allowances, wherein said designated allowances includes at least one type of allowance from among time allowances, financial allowances, and health allowances."

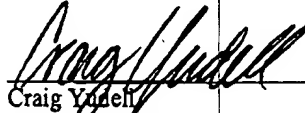
On page 9 of the present Office Action, it is stated that:

Trudeau's system compiles recommendations from the user's profiles and other baseline data and incorporates an "expert system to recommend certain remedial actions in response to these parameters" (*Trudeau*; column 10, lines 50-65). These actions include direction of the user to tools or actions most capable of lowering distress or altering the health problem or fitting within designated allowances

While the Examiner's remarks cite "designated allowances," no such teaching is shown at *Trudeau* at column 10, lines 50-65. Again, while *Trudeau* does compile recommendations from user profiles, nothing within the teaching of *Trudeau* suggests that such user profiles include allowances for the user or that the expert system has a capability of prioritizing actions based on "a priority level at which sufficient allowances are available for each of the potential actions," as argued by the Examiner at the bottom of page 9. While the Examiner insists at the top of page 10 that prioritization based on time, financial and health allowances of a user are taught by the references, Applicants respectfully submit that the references make no such teaching and that the Examiner has rejected the claims as being obvious in hindsight of the teaching of the present application. In light of the above, Applicants respectfully request reconsideration of exemplary Claim 1.

In summary, Applicants submit that the rejection of Claim 1 as being unpatentable over *Raymond* in view of *Trudeau* should be withdrawn. For similar reasons to those given above with respect to Claim 1, Applicants respectfully submit that Claims 2-4, 10-12, 14-17, 23-25, 27-30, 36-39 are also not shown or suggested by *Raymond* in view of *Trudeau* and that the rejection of those claims should be withdrawn.

Respectfully submitted,



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